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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,570	04/15/2004	Jeffrey D. Hodson	6065-90987	8674
24628	7590	05/12/2008	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			MURRAY, DANIEL C	
			ART UNIT	PAPER NUMBER
			2143	
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			05/12/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,570	<b>Applicant(s)</b> HODSON ET AL.	
	<b>Examiner</b> DANIEL MURRAY	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15APR2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15APR2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>26JUL2004, 12SEP2005, 10OCT2006</u> .                         | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements submitted on 26JUL2004, 12SEP2005, and 10OCT2006 have been considered by the Examiner and made of record in the application.

### ***Specification***

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Drawings***

3. The drawings are objected to because reference character "10" and "12" appear to be referring to the same object. It is unclear which is the contact distribution system and which is the tracking system.
  4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "48" has been used to designate both Proxy Server and Que.
  5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "50" has been used to designate both Reports Generator and Que.
  6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "52" has been used to designate both Reconfiguration Processor and Que.
- Appropriate correct is required.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

7. **Claim 28** is objected to because of the following informalities:

- **Claim 28** line 1, replace "calls" before "as in claim 27" with --information-- for proper antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**9. Claims 1-6, 8-9, 15-20, 22-23, 29-34, and 36-37** are rejected under 35 U.S.C. 102(e) as being anticipated by **McKinnon et al. (US 2004/0133647 A1)**.

a) Consider **claims 1, 15, and 29**, McKinnon et al. clearly show and disclose, a method and apparatus of/for processing information within a computer system, such method comprising the steps of: sending a SIP SUBSCRIBE message from a first computer resource of the computer system to a presentity server of the computer system requesting a status of the second resource where the second resource performs a predetermined service for the first resource (abstract, paragraph [0005], [0021], [0027], [0028], [0029], [0031]); sending a SIP NOTIFY message from the presentity server to the first resource notifying the first resource of the status of the second resource (abstract, paragraph [0005], [0021], [0027], [0028], [0029], [0031]).

b) Consider **claims 2, 16, and 30**, and **as applied to claims 1, 15, and 29 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 1, 15, and 29 further comprising the first resource requesting the predetermined service from a third resource when the second resource is not available (paragraph [0018], [0019], [0023], [0040], [0041], [0042]).

c) Consider **claims 3, 17, and 31**, and **as applied to claims 1, 15, and 29 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 1, 15, and 29 wherein the computer system further comprises an automatic call distribution system (paragraph [0002], [0028], [0040]).

d) Consider **claims 4, 18, and 32**, and **as applied to claims 3, 17, and 31 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 3, 17, and 31 wherein the first and second resources further comprise call distributors of

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the automatic call distribution system (abstract, paragraph [0033], [0034], [0035], [0036], [0040], [0041], [0042]).

e) Consider **claims 5, 19, and 33**, and **as applied to claims 4, 18, and 32 above**, McKinnon et al. clearly show and disclose, the method of processing information as in claims 4, 18, and 32 wherein the predetermined service further routing calls to agents (abstract, paragraph [0036], [0040], [0041], [0042]).

f) Consider **claims 6, 20, and 34**, and **as applied to claims 5, 19, and 33 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 5, 19, and 33 wherein the requested status further comprises determining whether the second call distributor is available or unavailable (paragraph [0018], [0019], [0023], [0040], [0041], [0042]).

g) Consider **claims 8, 22, and 36**, and **as applied to claims 1, 15, and 29 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 1, 15, and 29 wherein the computer system further comprises an automatic call distributor (paragraph [0002], [0028], [0040]).

h) Consider **claims 9, 23, and 37**, and **as applied to claims 8, 22, and 36 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 8, 22, and 36 wherein the second resource further comprises a call routing application of the automatic call distributor (paragraph [0029], [0030]).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. **Claims 7, 21, and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKinnon et al. (US 2004/0133647 A1)** in view of **Chaney et al. (US Patent Publication # US 2003/010800 A1)**.



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a) Consider **claims 7, 21, and 35** and **as applied to claims 6, 20, and 34 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 6, 20, and 34, wherein the step of determining the availability of the second call distributor. However, McKinnon et al. does not specifically disclose a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold.

Chaney et al. show and disclose a system and method of providing access to services in a telecommunications network utilizing the Session Initiation Protocol (SIP) wherein determining the availability of the second call distributor comprises comparing a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold (abstract, paragraph [0015], [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Chaney et al. into the system of McKinnon et al. for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded.

14. **Claims 10, 24, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKinnon et al. (US 2004/0133647 A1)** in view of **Gray et al. (US Patent Publication US 2005/0100157 A1)**.

a) Consider **claims 10, 24, and 38** and **as applied to claims 9, 23, and 37 above**, McKinnon et al. clearly show and disclose, the method and apparatus of/for processing information

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as in claims 9, 23, and 37. However, McKinnon et al. does not specifically disclose the first resource further comprises a call classification application of the automatic call distributor that determines a call type of an incoming call.

Gray et al. show and disclose a context aware call processing architecture for effecting user-defined features wherein the first resource further comprises a call classification application of the automatic call distributor that determines a call type of an incoming call (abstract, paragraph [0008], [0009], [0053]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Gray et al. into the system of McKinnon et al. for the purpose of handling calls based on context information.

15. **Claims 11-12, 25-26, and 39-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McKinnon et al. (US 2004/0133647 A1)** as modified by **Gray et al. (US Patent Publication US 2005/0100157 A1)** in further view of **Chaney et al. (US Patent Publication # US 2003/010800 A1)**.

a) Consider **claims 11, 25, and 39**, and as applied to **claims 10, 24, and 38** above, McKinnon et al. as modified by Gray et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 10, 24, and 38. However, McKinnon et al. as modified by Gray et al. does not specifically disclose defining the status as being a loading level of the call routing application.

Chaney et al. show and disclose a system and method of providing access to services in a telecommunications network utilizing the Session Initiation Protocol (SIP) wherein determining the availability of the second call distributor comprises comparing a loading level of the second call distributor with a threshold level and determining that the second call distributor is unavailable when

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the loading level exceeds the threshold level and determining that the second call distributor is available when the loading level does not exceed the threshold (abstract, paragraph [0015], paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Chaney et al. into the system of McKinnon et al. as modified by Gray et al. for the purpose of making call distribution more efficient by preventing any one call distributor from becoming overloaded.

b) Consider **claims 12, 26, and 40, and as applied to claims 11, 25, and 39 above**, McKinnon et al. as modified by Gray et al. further modified by Chaney et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 11, 25, and 39 further comprising defining the loading level as a call queue length (McKinnon et al. figure 7a, figure 7b, paragraph [0040], [0041]; Chaney et al. abstract, paragraph [0015], [0040]).

c) Consider **claims 13 and 27, and as applied to claim 12 and 26 above**, McKinnon et al. as modified by Gray et al. further modified by Chaney et al. clearly show and disclose, the method and apparatus of/for processing information as in claims 12 and 26 further comprising determining that the routing application is unavailable when the loading level exceeds a predetermined threshold and available when the routing application does not exceed the predetermined threshold (Chaney et al. abstract, paragraph [0015], paragraph [0040]).

d) Consider **claims 14 and 28, and as applied to claims 13 and 27 above**, McKinnon et al. as modified by Gray et al. further modified by Chaney et al. clearly show and disclose, the method and apparatus of/for processing calls as in claims 13 and 27 further comprising the call classification application requesting the predetermined service form a third resource when the call routing application is not available (McKinnon et al. paragraph [0018], [0019], [0023], [0040], [0041], [0042]).

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***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 2002/0114578 A1
- US 6,289,373 B1
- 5,999,965
- US 6,704,396 B2
- US 2003/0037113 A1
- US 2005/0047582 A1
- US 7,315,617 B2
- US 7,170,991 B2
- EP 1 398 942 A2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCM

/Daniel Murray/  
Examiner, Art Unit 2143

/Kenny S Lin/  
Primary Examiner, Art Unit 2152